

Joseph  
Serial no. 09/876,351  
Filed 6/6/2001  
Attorney docket no. BEA920010008US1

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Page 11

REMARKS

Note regarding change of correspondence address

Applicant notes that the correspondence address has been changed in conjunction with filing of this response. Applicant requests that further correspondence be mailed to the new correspondence address.

Drawings

FIG. 1 has been objected to due to the absence of the reference number 106. A substitute drawing sheet including FIG. 1 has been filed herewith with this reference number noted, and therefore Applicant requests that the objection be withdrawn.

Specification

First, the specification has been objected to because part of the technical background on page 8 of the specification, in relation to FIG. 2, was unclear to the Examiner. To further along prosecution, Applicant has cancelled the text in question, and requests that this objection be withdrawn.

Second, the specification has been objected to because the first recitation of the label (510), on page 14, line 2, should be (508). Applicant has made this correction, and requests that this objection be withdrawn.

Claim rejections under 35 USC 101

Claims 15-18 and 20 have been rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter, because the medium of claims 15-18 and 20 can be or is a modulated carrier signal, which the Examiner contends is not statutory subject matter. Claim

Joseph  
Serial no. 09/876,351  
Filed 6/6/2001  
Attorney docket no. BEA920010008US1

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Page 12

15 is an independent claim, from which claims 16-18 and 20 depend. Applicant has amended claim 15 so that the medium in question is a computer-readable recordable data storage medium, as in the un-objected-to claim 19, and has cancelled claims 19 and 20. As a result, Applicant submits that claims 15-18 satisfy 35 USC 101.

Claim rejections under 35 USC 112

Claims 9-14 and 20 have been rejected under 35 USC 112, second paragraph, as being indefinite. Claims 9 and 20 have been cancelled, and therefore the rejection is moot as to these two claims.

With respect to claim 10, claim 10 has been rejected because the Examiner believes that the verification of the key has no purpose, such that the message is processed regardless of the outcome of the verification. Claim 10 has been amended so that the message is processed "where the key has been successfully verified." As a result, the verification of claim 10 now has purpose, and thus Applicant requests that the rejection of claim 10 under 35 USC 112, second paragraph, be withdrawn.

With respect to claims 11-14, claim 11 has been rejected essentially due to the nomenclature "first partitions of a first node" and "second partitions of a second node." It appears that the way Applicant originally drafted this claim has created some confusion. The intention of this claim is that the first node has partitions, and the second node has partitions. There are first processes running on the partitions of the first node, and second processes running on the partitions of the second node. There is always at least one partition on each of the first and the second nodes. Applicant has amended claims 11-14 to remove discussion of "first partitions" and "second partitions," as it appears that this nomenclature is what caused the confusion, so that instead there are simply "partitions on the first node" and "partitions on the second node." Applicant has reviewed claims 11-14, and believes that they are now clearer, and so requests that the rejection of claims 11-14 under 35 USC 112, second paragraph, be withdrawn. However, if

Joseph  
Serial no. 09/876,351  
Filed 6/6/2001  
Attorney docket no. BEA920010008US1

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Page 13

the Examiner believes that further clarification is required, he is respectfully requested to indicate how these claims could be made clearer.

Claim rejections under 35 USC 102

Claims 1-7, 11, 14-15, and 19-20 have been rejected under 35 USC 102(b) as being anticipated by Stein ("Web Security, a step-by-step reference guide"). Applicant notes that claims 1, 11, and 15 are independent claims, from which claims 3-7 and 15 depend. Claim 2 has been cancelled. Applicant asserts that claims 1, 11, and 15 are patentable, such that claims 3-7 and 15 are patentable for at least the same reasons. Claims 19 and 20 have been cancelled.

Applicant specifically discusses claim 1 as representative of independent claims 1, 11, and 18 insofar as patentability over Stein is concerned. Applicant has amended claim 1 so that its subject invention is clearer. The gist of claim 1 is this. The key that is sent from the secure hardware of the first node to the secure hardware of the second node is never accessible by all processes running on both the first node and the second node – that is, no process can ever access the key in the secure hardware. As a result, "unauthorized processes running on the first node are unable to send unauthorized messages through the secure hardware of the first node." These specific security aspects of claim 1 are not disclosed in Stein.

First, Stein does not disclose any type of secure hardware at either the first node (the client) or the second node (the server). The hardware that is apparently disclosed in Stein is garden-variety client and server hardware, which is not secure by any means. By comparison, the claimed invention is limited to "secure hardware." Applicant specifically asserts that the hardware of Stein is not secure, and requests that the Examiner show where Stein discloses hardware that is secure. For this reason alone, Stein does not anticipate the claimed invention.

Second, and probably most importantly, processes have access to the key at the first node in Stein. For instance, Stein notes that "[t]he *browser* encrypts the [premaster] secret using the server's RS public key" in paragraph 6 on page 42. A browser is a process, and thus has access

Joseph  
Serial no. 09/876,351  
Filed 6/6/2001  
Attorney docket no. BEA920010008US1

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Page 14

to the secret that the Examiner identifies as the key sent from the first node to the second node, inherently while it is encrypting the secret. By comparison, the claimed invention is limited to *all* processes not being able to access the key. For this reason alone as well, Stein does not anticipate the claimed invention.

Third, unauthorized processes running on the first node *are able to* send unauthorized messages through the hardware in Stein. For instance, there is nothing preventing a rogue browser process, such as malware like a virus or a Trojan horse program, from carrying out the process outlined in pages 41 and 42 in Stein. By comparison, the claimed invention is limited to unauthorized processes on the first node not being able to send unauthorized messages through the secure hardware of the first node. This is due at least in part to the keys being stored securely in the secured hardware, such that they are inaccessible by *all* processes. For this reason alone, too, Stein does not anticipate the claimed invention.

Applicant concludes this discussion by finally bring up the Examiner's rejection of claim 11 on page 16, paragraph 18, of the Office Action. The Examiner notes that:

Each layer in TCP/IP . . . has different responsibilities and processes at each layer carrying these responsibilities have different functions. In the Stein's teaching the SSL communication is invoked by web browser/server interaction and a process invoking SSL mechanism has no access to keys, which are produced and used at SSL level.

Applicant notes that this discussion of TCP/IP and SSL is not read on by the claimed invention as amended. The claimed invention is limited to *all processes* being unable to access the keys, even the processes at the SSL level. *No processes are able to access the keys within the claimed invention.* Stein thus does not anticipate the claimed invention.

#### Claim rejections under 35 USC 103

Claim 8 has been rejected under 35 USC 103(a) as being unpatentable over Stein in view of Ogawa (5,802,065). Claim 8 is a dependent claim depending from claim 1, and therefore is patentable for at least the same reasons that claim 1 is.

Joseph  
Serial no. 09/876,351  
Filed 6/6/2001  
Attorney docket no. BEA920010008US1

Page 15

Claims 9, 12, and 16 have been rejected under 35 USC 103(a) as being unpatentable over Stein in view of Baker (6,611,498). Claim 9 has been cancelled. Claims 12 and 16 are dependent claims depending from claim 11, and therefore are patentable for at least the same reasons that claim 11 is.

Claims 12, 13, and 17-18 have been rejected under 35 USC 103(a) as being unpatentable over Stein in view of Baker, and further in view of Bean (4,843,541). Claims 12, 13, and 17-18 are dependent claims depending from claims 11 and 15, and therefore are patentable for at least the same reasons that claims 11 and 15 are.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



Michael A. Dryja, Reg. No. 39,662  
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja  
704 228<sup>th</sup> Ave NE #694  
Sammamish, WA 98074  
tel: 425-427-5094, fax 206-374-2819